

House File 2005 - Introduced

HOUSE FILE 2005

BY PAULSEN

A BILL FOR

1 An Act requiring that county attorneys be elected on a
2 nonpartisan basis.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.17, Code 2016, is amended to read as
2 follows:

3 **39.17 County officers.**

4 1. There shall be elected in each county at the general
5 election to be held in the year 1976 and every four years
6 thereafter, an auditor and a sheriff, each to hold office for a
7 term of four years.

8 2. There shall be elected in each county at the general
9 election to be held in 1974 and each four years thereafter, a
10 treasurer, and a recorder and a county attorney who shall, each
11 to hold office for a term of four years.

12 Sec. 2. Section 39.21, Code 2016, is amended to read as
13 follows:

14 **39.21 Nonpartisan offices.**

15 1. There shall be elected at each general election, on a
16 nonpartisan basis, the following officers:

17 ~~1- a.~~ County public hospital trustees as required by
18 section 347.25.

19 ~~2- b.~~ Soil and water conservation district commissioners
20 as required by [section 161A.5](#).

21 ~~3- c.~~ County agricultural extension council members as
22 provided in [section 176A.6](#).

23 ~~4- d.~~ Township officers as provided in section 39.22,
24 subsection 2.

25 2. There shall be elected in each county at the general
26 election to be held in the year 2018 and every four years
27 thereafter, on a nonpartisan basis, a county attorney, to hold
28 office for a term of four years.

29 Sec. 3. Section 69.14A, subsection 2, unnumbered paragraph
30 1, Code 2016, is amended to read as follows:

31 A vacancy in any of the offices listed in [section 39.17](#) or
32 in the office of county attorney shall be filled by one of the
33 two following procedures:

34 Sec. 4. Section 69.14A, subsection 4, Code 2016, is amended
35 to read as follows:

1 4. Notwithstanding [subsections 1 and 2](#), if a nomination
2 has been made at the primary election for ~~an~~ a partisan office
3 in which a vacancy has been filled by appointment, the office
4 shall be filled at the next general election, and not at any
5 special election in the same political subdivision.

6 Sec. 5. Section 331.751, subsection 1, Code 2016, is amended
7 to read as follows:

8 1. The office of county attorney is ~~an~~ a nonpartisan
9 elective office except that if a vacancy occurs in the office,
10 a successor shall be elected or appointed to the unexpired term
11 as provided in ~~chapter 69~~ section 69.14A.

12 Sec. 6. Section 331.752, subsection 2, Code 2016, is amended
13 to read as follows:

14 2. The board may provide, by resolution, that the county
15 attorney shall be a full-time county officer. The resolution
16 shall include an effective date which shall not be less than
17 sixty days from the date of adoption. However, if the county
18 attorney or county attorney-elect objects to the full-time
19 status, the effective date of the change to a full-time status
20 shall be delayed until January 1 of the year following the next
21 general election at which a county attorney is elected. The
22 board shall not adopt a resolution changing the status of the
23 county attorney between March 1 and the date of the general
24 election of the year in which the county attorney is regularly
25 elected as provided in ~~section 39.17~~ 39.21.

26 Sec. 7. Section 331.753, subsection 2, Code 2016, is amended
27 to read as follows:

28 2. The effective date of the agreement shall be January 1
29 of the year following the next general election at which the
30 county attorney is elected as provided by [this section](#) and
31 ~~section 39.17~~ 39.21.

32

EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill provides that county attorneys shall be elected

H.F. 2005

1 on a nonpartisan basis beginning with the general election
2 in November 2018. The bill also provides that vacancies in
3 the office of county attorney shall be filled in the manner
4 provided for partisan county offices.